

## Title 15

### BUILDINGS AND CONSTRUCTION

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#### Chapter 15.04

### BUILDINGS AND LAND USE

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#### **15.04.010 Land use permit—Required.**

A. No new construction may commence within the city unless a land use permit is first obtained from the city clerk. All applications for new construction which are not consistent with established ordinances and city regulations will be referred to the planning and zoning commission for review. A nonrefundable fee of twenty dollars will be assessed for each application received by the city clerk prior to processing.

B. The land use permit should have annotated on it warnings as to snow load to be expected, wind factors, and other concerns as appropriate, to be considered in building in the Whittier area.

C. A copy of the executed land use permits shall be forwarded by the city to those state agencies responsible for code enforcement.

D. Applicants for a land use permit for a use other than single family or duplex residential use shall certify in writing that they are aware that the structure and use proposed in the application may be subject to requirements of state and federal law, including the Americans With Disabilities Act (ADA), (42 USC 12182) and that the applicant intends to comply with all applicable local, state, and federal laws in the construction and use set out in the application. (Ord 363-97, §2, 1997; Ord. 111-88 §2, 1988; Ord. 104-88 §2, 1988; Ord. 2-1-83A §1, 1983; prior code §26.05.010 (part))

**15.04.020 Land use permit—Expiration.** A land use permit issued under this chapter shall automatically expire within one year of its date of issuance. (Ord. 111-88 §3, 1988; Ord. 104-88 §3, 1988; Ord. 2-1-83A §2, 1983; prior code §26.05.010(part))

#### Chapter 15.08

### CONDEMNATION PROCEDURES

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**15.08.010 Definitions.** In this chapter unless the context otherwise requires:

A. "Building inspector" means that person or those persons the city council charges with the enforcement of Chapter 15.04 of this code of ordinances of the city.

B. "Public nuisance" means conduct which annoys, injures or endangers the safety, health, comfort or repose of the public; offends public decency; interferes with, obstructs or renders dangerous any street, highway, navigable lake or stream, or in any way renders the public insecure in life or property. A public nuisance includes, but is not

limited to, whatever is forbidden by any provision of this chapter. (Prior code §14.05.010)

**15.08.020 Nuisance prohibition.** No person shall commit, create or maintain any public nuisance. (Prior code §14.05.020)

**15.08.030 Initial determination.** Whenever any administrative official or officials of the city, such as the fire chief, police chief, building inspector, electrical inspector, sanitarian, etc., shall after inspection, declare a building to be a dangerous structure or a fire or health hazard or public nuisance, he shall render to the city council a full report of the condition of such building or object and a statement of the reasons why such structure should be abated, including in his report all violations of this chapter or rules or regulations issued thereunder, together with his recommendations as to altering, repairing, tearing down or removing said structure. (Prior code§14.05.030)

**15.08.040 Hearing—Notice.** Upon receipt of the report of the administrative official or officials, the city council shall make written findings in the matter, accenting or modifying the subordinate administrative official's report and issue its order based thereon, and shall give notice to the owner of the land upon which such structure is located, or his agent, or the person having the right to possession of said land or structure, including agent's lessees, employees, etc., specifying a date at least thirty days from said notice date at which a public hearing will be had before the city council sitting as a board of adjustment with the president as ex-officio chairman, on the question of abatement or condemnation, i.e., altering, repairing, tearing down or removing said structure. A copy of the findings and order of the city council shall accompany the notice of hearing. (Prior code §14.05.040)

#### **15.08.050 Hearing—Procedure.**

A. At the hearing, the property owner may appear in person or by agent or attorney; the council president or acting chairman of the board of adjustment may administer oaths and compel the attendance of witnesses; record shall be kept of the proceedings by the city clerk or a competent stenographer under his direction and the owner furnished a copy without expense upon request. The board of adjustment shall have the following powers:

1. To hear and decide appeals where it is alleged there is error in the order of findings of the city council or any order, requirement, decision, or determination made by the city council;

2. To hear and decide requests for exceptions to the terms of this chapter;

3. To authorize in specific cases such variances from the terms of this chapter as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of this chapter would result in unnecessary hardship, and so that the spirit of the chapter shall be observed and substantial justice done.

B. In exercising its powers, the board of adjustment may reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination appealed from.

To reverse any order, requirements, decision or determination, or decide in favor of the applicant, or to make exceptions to or variations from this chapter, the concurring vote of four members of the board of adjustment shall be required. (Prior code §14.05.050)

**15.08.060 Resolution by order.** After the public hearing the board of adjustment shall adopt a resolution containing its findings. If removal or demolition of the structure is provided for and ordered, the owner shall have at least thirty days from the date of said resolution so to do; if repairs or alterations are ordered they may be made within such time as the board of adjustment shall order. (Prior code §14.05.060)

**15.08.070 Enforcement.** If the owner fails to comply with the board of adjustment's order as to removal or demolition, or repair or alteration, within the time prescribed, the city council shall see that the requirements of the resolution are carried out. The cost of said abatement shall be chargeable against the property, first against the salvaged material, which may be sold at public auction, and the balance, if any, chargeable in the same manner as real property taxes. (Prior code §14.05.070)

**15.08.080 Appeal.** The owner may appeal any decisions of the board of adjustment, whether involving removal or demolition or repair or alteration, to the Superior Court, Third Judicial District, State of Alaska, in the manner prescribed in AS 29.40.240. (Prior code §14.05.080)

**15.08.090 Emergency procedure.** The city council may, upon written recommendation from a city engineer or other designated authority, order the alteration and repair or discontinuance of use of a structure imminently dangerous to life or property within such period of time, hours or days, as it deems reasonable. Such order must be written and served on the owner. Appeals from such orders must be taken by persons aggrieved within five days from date of service of the order on the owner, by filing with the city council or with the board of adjustment, a notice of appeal specifying the grounds therefor. Such appeals shall be heard before the board of adjustment within a reasonable time, not less than ten days after filing notice of appeal and not earlier than three days after giving public notice thereof and after giving notice to the parties in interest, unless such notice is waived by the party ordered to alter, repair or discontinue use of said nuisance. The filings of such notice of appeal shall cause a stay of proceedings. (Prior code §14.05.090)

**15.08.100 Denial of stay of proceedings.** If, after the filing of notice of appeal, the city council certifies that a stay of proceedings would, in its opinion, cause imminent peril to life or property, proceedings shall not be stayed. (Prior code §14.05.100)

**15.08.110 Judicial appeal.** After hearing on appeal before the board of adjustment, judicial appeal may be taken as provided by the laws of the state. The chairman of the board of adjustment may, after notice of appeal is filed, by certificate filed with the appropriate court, oppose an automatic stay of proceedings. (Prior code §14.05.110)

**15.08.120 Costs.** Cost of abatement occasioned by enforcement of this chapter shall be collected against the land in the same manner as real property taxes. (Prior code §14.05.120)

**15.08.130 Remedies additional and cumulative.** Nothing in this chapter shall limit or supersede remedies provided for in other chapters of this code of ordinances of the city, for the abatement of nuisances, or with criminal prosecutions for maintaining nuisances. The city council may, at their option, choose any method or combination of methods provided for in this code of ordinances in order to enforce the provisions of this chapter. (Prior code §14.05.130)

## Chapter 15.12

### SIGNS

#### **Sections:**

##### **15.12.010 Prohibited signs.**

**15.12.010 Prohibited signs.** No sign may be erected:

- A. Which rotates or moves at a rate greater than six revolutions per minute;
- B. Which flashes or blinks at a rate greater than thirty cycles per minute;
- C. Which has lamps exceeding fifteen watts, or has reflector lamps or employs neon or other tubular or electrically activated gas illumination devices;
- D. Which uses banners, flags, pennants, ribbons, streamers, strings of light bulbs, spinners, or similar devices;
- E. Which is a flashing or rotating beacon other than a device authorized by law. (Ord. 56-74, 1974)